

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 17, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

VIJUVE, INC., a Florida corporation,

Plaintiff/Counterclaim

Defendant,

v.

KASPIEN, INC., a Washington corporation,

Defendant/Counterclaim

Plaintiff.

No. 2:21-CV-00192-SAB

**ORDER GRANTING
DISMISSAL CASE AND
CLOSING FILE**

Before the Court are Counterclaim Plaintiff Kaspien's Motion for Voluntary Dismissal and Entry of Judgment, ECF No. 162, and Counterclaim Defendant's Motion to Withdraw as Attorney, ECF No. 164. Defendant Kaspien is represented by Charles Hausberg and Kelly E. Konkright. Plaintiff Vijuve is represented by Edward L. Redmond and Constance Proctor. The motions were considered without oral argument.

Counterclaim Plaintiff Kaspien Inc. ("Kaspien") moves for an Order voluntarily dismissing its counterclaims without prejudice. Because this dismissal will conclude the case, Kaspien requests entry of judgment regarding the Court's two awards of attorneys' fees and costs which total \$196,646.60.

Currently, all that remains in this lawsuit are Kaspien's counterclaims. On December 18, 2023, Kaspien issued a press release announcing its decisions to

ORDER GRANTING DISMISSAL CASE AND CLOSING FILE # 1

1 delist its common stock and deregister as a public company under the Securities
2 Exchange Act of 1934. Kaspien currently exists solely to wind down its company
3 operations and satisfy any of its outstanding creditors by maximizing the value of
4 its business and assets.

5 Under Rule 42 (a)(2) of the Federal Rules of Civil Procedure, “an action
6 may be dismissed at the plaintiff’s request only by court order, on terms that the
7 court considers proper.” Being fully informed, the Court grants the motion and
8 closes the file.

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Accordingly, **IT IS HEREBY ORDERED:**

1. Defendant/Counterclaim Plaintiff Kaspien's Motion for Voluntary Dismissal and Entry of Judgment, ECF No. 162, is **GRANTED**.

2. Plaintiff/Counterclaim Defendant Vijuve's Motion Withdraw as Attorney, ECF No. 164, is **DISMISSED as moot**.

3. In accordance with Kaspien's voluntary dismissal pursuant to Rule 41(a)(2), the above-mentioned matter is **DISMISSED**.

4. Defendants' counterclaims against Plaintiff are **DISMISSED**.

5. The action is dismissed **with an award of attorneys' fees totaling \$196,646.60 to Defendant** pursuant to ECF Nos. 154 and 161.

6. The Clerk of the Court shall **ENTER JUDGMENT** in favor of Defendant and against Plaintiff.

7. All pending motions are **DISMISSED as moot**.

IT IS SO ORDERED. The Clerk of Court is directed to enter this Order, forward copies to counsel, **enter judgment, award attorney's fees**, and **close the file**.

DATED this 17th day of September 2024.



Stanley A. Bastian

Stanley A. Bastian
Chief United States District Judge